

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, solely in its capacity as  
Trustee for the MORGAN STANLEY  
STRUCTURED TRUST I 2007-1,

Plaintiff,

v.

MORGAN STANLEY MORTGAGE  
CAPITAL HOLDINGS LLC, as  
Successor-by-Merger to MORGAN  
STANLEY MORTGAGE CAPITAL INC.,

Defendant.

No. 14-CV-3020(LTS)(AJP)

**DECLARATION OF JUSTIN V. SHUR IN SUPPORT OF PLAINTIFF'S  
MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

Justin V. Shur declares, pursuant to 28 U.S.C. § 1746:

1. I am a partner at MoloLamken LLP, counsel for Plaintiff Deutsche Bank National Trust Company, solely in its capacity as Trustee for the Morgan Stanley Structured Trust I 2007-1 in the above-captioned case. I am admitted to practice before this Court. I submit this declaration in support of Plaintiff's memorandum of law in opposition to the motion for summary judgment filed by Defendant Morgan Stanley Mortgage Capital Holdings LLC ("Morgan Stanley").

2. Attached as Exhibit 1 is a true and correct copy of the February 2016 Settlement Agreement between Morgan Stanley and the Department of Justice, with Annexes.

3. Attached as Exhibit 2 is a true and correct copy of a spreadsheet that Morgan Stanley produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0214862.

4. Attached as Exhibit 3 is a true and correct copy of the transcript of the deposition of Bradley Eugene Davis, taken in this case on April 12, 2016.

5. Attached as Exhibit 4 is a true and correct copy of Exhibit 5 to the deposition of Bradley Eugene Davis, titled “Wall Street Player Questions Accuracy of Appraisals: ‘It is amazing to us how many appraisers are doing fraud without even profiting from it,’” dated December 6, 2006, and published by Mortgage Line.

6. Attached as Exhibit 5 is a combined spreadsheet reflecting true and correct information excerpted from the Clayton reports attached as Exhibits 6 through 10.

7. Attached as Exhibit 6 is a true and correct copy of an excerpt of a report prepared by Clayton, dated January 25, 2007, and produced natively in discovery under Bates stamp MSSTCLAYTON00001674.

8. Attached as Exhibit 7 is a true and correct copy of an excerpt of a report prepared by Clayton, dated September 19, 2006, and produced natively in discovery under Bates stamp MSSTCLAYTON00000962.

9. Attached as Exhibit 8 is a true and correct copy of an excerpt of a report prepared by Clayton, dated September 1, 2006, and produced natively in discovery under Bates stamp MSSTCLAYTON00000887.

10. Attached as Exhibit 9 is a true and correct copy of an excerpt of a report prepared by Clayton, dated May 10, 2007, and produced natively in discovery under Bates stamp MSSTCLAYTON00000420.

11. Attached as Exhibit 10 is a true and correct copy of an excerpt of a report prepared by Clayton, dated February 21, 2007, and produced natively in discovery under Bates stamp MSSTCLAYTON00000129.

12. Attached as Exhibit 11 is a true and correct copy of the transcript of the deposition of Eric Kaplan, taken in this case on June 1, 2016.

13. Attached as Exhibit 12 is a true and correct copy of an email, without the corresponding attachments, from Frank Telesca to Steven Shapiro, Sean Cawley, Michael Ortiz, and Jim McKeown, dated June 30, 2007, bearing Bates stamp MSM\_MSSTI\_20071\_0222237.

14. Attached as Exhibit 13 is a true and correct copy of the transcript of the deposition of Lisa Ann Drew, taken in this case on February 23, 2016.

15. Attached as Exhibit 14 is a true and correct copy of an email from Anna Teytel to Judi Hubbard, dated August 13, 2007, bearing Bates stamps MSM\_MSSTI\_20071\_0337564 to MSM\_MSSTI\_20071\_0337571, and a true and correct copy of the attachment to that email, produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0337573.

16. Attached as Exhibit 15 is a true and correct copy of an email from Andrew Weiner to Eric Kaplan, Lisa Drew, and Anna Teytel, dated October 9, 2007, bearing Bates stamp MSM\_MSSTI\_20071\_0338159, and a true and correct copy of an excerpt of the attachment to that email, produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0338160.

17. Attached as Exhibit 16 is a true and correct copy of the expert report of Charles H. Grice (without Appendices), dated December 16, 2016.

18. Attached as Exhibit 17 is a true and correct copy of Morgan Stanley's Responses and Objections to Plaintiff's First Set of Requests for Admission, dated June 3, 2016.

19. Attached as Exhibit 18 is a true and correct copy of the expert rebuttal report of James H. Aronoff, dated January 25, 2017.

20. Attached as Exhibit 19 is a true and correct copy of the transcript of the deposition of Phillip Burnaman, II, taken in this case on March 9, 2017.

21. Attached as Exhibit 20 is a true and correct copy of the rebuttal expert report of Dr. John A. Kilpatrick, Ph.D. (without Appendices), dated January 25, 2017.

22. Attached as Exhibit 21 is a true and correct copy of an email from Pamela Barrow to Anton Peterson, dated February 15, 2006, bearing Bates stamps MSM\_MSSTI\_20071\_0266642 to MSM\_MSSTI\_20071\_0266643.

23. Attached as Exhibit 22 is a true and correct copy of an email from Frank Telesca to Vickie Pruitt and Brian Vanscoy, dated March 5, 2008, bearing Bates stamps MSM\_MSSTI\_20071\_0417700 to MSM\_MSSTI\_20071\_0417705.

24. Attached as Exhibit 23 is a true and correct copy of a spreadsheet that Morgan Stanley produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0109529, dated September 4, 2006.

25. Attached as Exhibit 24 is a true and correct copy of a spreadsheet that Morgan Stanley produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0210247.

26. Attached as Exhibit 25 is a true and correct copy of a spreadsheet that Morgan Stanley produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0153984.

27. Attached as Exhibit 26 is a true and correct copy of a spreadsheet that Morgan Stanley produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0210249.

28. Attached as Exhibit 27 is a true and correct copy of a spreadsheet that Morgan Stanley produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0169013.

29. Attached as Exhibit 28 is a true and correct copy of the transcript of the deposition of Francis Nicholas Telesca, taken in this case on April 13, 2016.

30. Attached as Exhibit 29 is a true and correct copy of an email from Alice Tatusian to Darlene Hagan dated July 5, 2007, bearing Bates Stamps DBNTC\_MSSTI\_

00010440 to DBNTC\_MSSTI\_00010441, and a true and correct copy of an excerpt of the attachment to that email produced natively in discovery under Bates stamp DBNTC\_MSSTI\_20071\_00010442.

31. Attached as Exhibit 30 is a true and correct copy of an excerpt of a spreadsheet that Morgan Stanley produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0003560.

32. Attached as Exhibit 31 is a true and correct copy of an email, without the corresponding attachments, from Frank Telesca to Steven Shapiro and Vanessa Vanacker, dated April 25, 2007, bearing Bates stamps MSM\_MSSTI\_20071\_0162789 to MSM\_MSSTI\_20071\_0162792.

33. Attached as Exhibit 32 is a true and correct copy of an email, without the corresponding attachment, from Pamela Barrow to Bernard Zahn, dated November 1, 2006, bearing Bates stamps MSM\_MSSTI\_20071\_0292378 to MSM\_MSSTI\_20071\_0292379.

34. Attached as Exhibit 33 is a true and correct copy of an email, without the corresponding attachments, from Steven Shapiro to Frank Telesca, dated November 17, 2006, bearing Bates stamps MSM\_MSSTI\_20071\_0134872 to MSM\_MSSTI\_20071\_0134873.

35. Attached as Exhibit 34 is a letter from Steven F. Molo to John P. Asiello, Clerk of the Court for the New York State Court of Appeals, dated June 20, 2017, in *Morgan Stanley Mortgage Loan Trust 2006-13ARX, by U.S. Bank National Association as Trustee v. Morgan Stanley Mortgage Capital Holdings LLC, as successor to Morgan Stanley Mortgage Capital Inc.*, No. APL-2016-00240.

I declare under penalty of perjury that the foregoing is true and correct.

June 22, 2017  
New York, NY

  
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*Attorney for Plaintiff Deutsche Bank  
National Trust Company, as Trustee for the  
Morgan Stanley Structured Trust 2007-1*